

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q105979

Kenya SHITARA et al.

Appln. No.: 10/575,261

Group Art Unit: 1644

Confirmation No.: 9631

Examiner: DAHLE, CHUN WU

Filed: April 10, 2006

For: FUSED PROTEIN COMPOSITION

STATEMENT OF AVAILABILITY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, KYOWA HAKKO KIRIN CO., LTD. of 1-6-1, Ohtemachi, Chiyoda-Ku, Tokyo, JAPAN 100-8185, declare and state that:

We are the Assignees of the entire right, title and interest of the invention described and claimed in the above-identified application, as evidenced by the Assignment recorded on March 13, 2009 at REEL 022396, FRAME 0508.

We agree that upon allowance and issuance of the above identified application into a United States Patent, restriction on availability of the following deposits will be irrevocably removed:

- (1) FERM BP-8499
- (2) FERM BP-8500
- (3) FERM BP-8503

(1) transformant KC1194 derived from Chinese hamster ovary tissue-derived CHO cell line CHO/DG44

which is designated in the specification of the above-identified application and was deposited under the terms of the Budapest Treaty on September 30, 2003, as FERM BP-8499 in the International Patent Organism Depository, National Institute of Advanced Industrial Science and Technology, Central 6, 1, Higashi 1-chome, Tsukuba-shi, Ibaraki, Japan.

(2) transformant KC1198 derived from Chinese hamster ovary tissue-derived CHO cell line CHO/DG44

which is designated in the specification of the above-identified application and was deposited under the terms of the Budapest Treaty on September 30, 2003, as FERM BP-8500 in the International Patent Organism Depository, National Institute of Advanced Industrial Science and Technology, Central 6, 1, Higashi 1-chome, Tsukuba-shi, Ibaraki, Japan.

(3) transformant KC1200 derived from Chinese hamster ovary tissue-derived CHO cell line CHO/DG44

which is designated in the specification of the above-identified application and was deposited under the terms of the Budapest Treaty on October 3, 2003, as FERM BP-8503 in the International Patent Organism Depository, National Institute of Advanced Industrial Science and Technology, Central 6, 1, Higashi 1-chome, Tsukuba-shi, Ibaraki, Japan.

We agree that the above-identified strains designated in the above identified application will be maintained for a period of 30 years or 5 years after the last request for the deposit, or for the effective life of any patent which issues on the above identified application, whichever is longer;

We agree that if the deposits become non-viable, they will be replaced; and

We also assure access to the deposits to one determined by the Commissioner to be entitled thereto under 37 C.F.R. § 1.14 and 35 U.S.C. § 122.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Respectfully submitted,

/Tu A. Phan/

Tu A. Phan, Ph.D.
Registration No. 59,392

On behalf of:

KYOWA HAKKO KIRIN CO., LTD.

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

65565

CUSTOMER NUMBER

Date: November 17, 2009

書式8(第7条第1項関係)

「特許手続上の微生物の寄託の国際的承認
に関するブタペスト条約」

下記国際寄託当局によって規則7.1に従い
発行される。

BUDAPEST TREATY OF THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the INTERNATIONAL
DEPOSIT AUTHORITY identified at the bottom of this page.

原寄託についての受託証

氏名 (名称)

協和醗酵工業株式会社
取締役社長 松田 譲 殿

あて名 〒
東京都千代田区大手町一丁目6番1号

1. 微生物の表示	
(寄託者が付した識別のための表示) KC1194	(受託番号) FERM BF- 08499
2. 科学的性質及び分類学上の位置	
1欄の微生物には、次の事項を記載した文章が添付されていた。 <input checked="" type="checkbox"/> 科学的性質 <input checked="" type="checkbox"/> 分類学上の位置	
3. 受領及び受託	
本国際寄託当局は、2003年9月30日(原寄託日)に受領した1欄の微生物を受託する。	
4. 移管請求の受領	
本国際寄託当局は、年月日(原寄託日)に受領した1欄の微生物を受託した。 そして、年月日に原寄託によりブタペスト条約に基づく寄託への移管請求を受領した。	
5. 国際寄託当局	
<p>名称 独立行政法人産業技術総合研究所 特許生物寄託センター</p> <p>International Patent Organism Depositary National Institute of Advanced Industrial Science and Technology</p> <p>センター長 岡 修一 Dr. Syuichi Oka, Director</p> <p>あて名 日本国茨城県つくば市東1丁目1番地1 中央第6(郵便番号305-8566)</p> <p>AIST Tsukuba Central 6, 1-1, Higashi 1-Chome Tsukuba-shi, Ibaraki-ken 305-8566 Japan</p>	

平成 15 年 (03) 9 月 30 日

INTERNATIONAL FORM

(Translation)

BUDAPEST TREATY ON THE INTERNATIONAL
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OF PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT

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INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page.

TO DEPOSITOR:

Name: KYOWA HAKKO KOGYO CO., LTD.
Representative: Yuzuru Matsuda
Address: 6-1, Ohtemachi 1-chome, Chiyoda-ku, Tokyo

I. IDENTIFICATION OF MICROORGANISM	
Identification Reference Given by the Depositor: KCI1194	Accession Number: FERM BP-8499
II. A SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC POSITION	
<p>The microorganism identified under I above was accompanied by a document stating the following item(s).</p> <p><input checked="" type="checkbox"/> A Scientific Property <input checked="" type="checkbox"/> Taxonomic Position</p>	
III. RECEIPT AND ACCEPTANCE	
<p>This International Depositary Authority accepts the microorganism identified under I above, which was received on September 30, 2003 (date of the original deposit).</p>	
IV. RECEIPT OF REQUEST FOR TRANSFER	
<p>This International Depositary Authority received the microorganism under I above on (date of the original deposit), and received on , a request for transfer from the original deposit to the deposit under the Budapest Treaty.</p>	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
<p>Name: International Patent Organism Depositary National Institute of Advanced Industrial Science and Technology Representative: <u>Syuichi Oka (sealed)</u> Dr. Syuichi Oka, Director</p> <p>Address: AIST Tsukuba Central 6, 1-1, Higashi 1-Chome Tsukuba-shi, Ibaraki-ken 305-8566 Japan</p> <p>Date: September 30, 2003</p>	

書式8(第7条第1項関係)

「特許手続上の微生物の寄託の国際的承認
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氏名 (名称)

協和醗酵工業株式会社
取締役社長 松田 顕 殿

あて名 〒100-8185
東京都千代田区大手町一丁目6番1号

1. 微生物の表示

(寄託者が付した識別のための表示)

KC1198

(受託番号)

FERM BP- 08500

2. 科学的性質及び分類学上の位置

1欄の微生物には、次の事項を記載した文章が添付されていた。

☒ 科学的性質☒ 分類学上の位置

3. 受領及び受託

本国際寄託当局は、2003年9月30日(原寄託日)に受領した1欄の微生物を受託する。

4. 移管請求の受領

本国際寄託当局は、年月日(原寄託日)に受領した1欄の微生物を受託した。

そして、年月日に原寄託によりブタベスト条約に基づく寄託への移管請求を受領した。

5. 国際寄託当局

名称 独立行政法人産業技術総合研究所 特許生物寄託センター

International Patent Organism Depository
National Institute of Advanced Industrial Science and Technology

センター長 岡 修

Dr. Syuichi Oka, Director



あて名 日本国茨城県つくば市東1丁目1番地1 中央第6(郵便番号305-8566)

AIST Tsukuba Central 6, 1-1, Higashi 1-Chome Tsukuba-shi,
Ibaraki-ken 305-8566 Japan

平成 15 年 (03) 9 月 30 日

INTERNATIONAL FORM

(Translation)

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TO DEPOSITOR:

Name: KYOWA HAKKO KOGYO CO., LTD.
Representative: Yuzuru Matsuda
Address: 6-1, Ohtemachi 1-chome, Chiyoda-ku, Tokyo

I. IDENTIFICATION OF MICROORGANISM	
Identification Reference Given by the Depositor: KC1198	Accession Number: FERM BP-8500
II. A SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC POSITION	
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V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: International Patent Organism Depositary National Institute of Advanced Industrial Science and Technology Representative: Syuichi Oka (sealed) Dr. Syuichi Oka, Director Address: AIST Tsukuba Central 6, 1-1, Higashi 1-Chome Tsukuba-shi, Ibaraki-ken 305-8566 Japan Date: September 30, 2003	

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氏名 (名称)

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取締役社長 松田 肇 殿

あて名 〒 100-8185
東京都千代田区大手町一丁目6番1号

1. 微生物の表示

(寄託者が付した識別のための表示)

KC1200

(受託番号)

FERM BP- 08503

2. 科学的性質及び分類学上の位置

1欄の微生物には、次の事項を記載した文章が添付されていた。

☒ 科学的性質☒ 分類学上の位置

3. 受領及び受託

本国際寄託当局は、2003年10月3日(原寄託日)に受領した1欄の微生物を受託する。

4. 移管請求の受領

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International Patent Organism Depositary
National Institute of Advanced Industrial Science and Technology

センター長 岡 修

Dr. Syuichi Oka, Director

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Ibaraki-ken 305-8566 Japan

平成 15 年 (03) 10 月 3 日

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Representative: Yuzuru Matsuda
Address: 6-1, Ohtemachi 1-chome, Chiyoda-ku, Tokyo

I. IDENTIFICATION OF MICROORGANISM	
Identification Reference Given by the Depositor: K01200	Accession Number: FERM BP-8503
II. A SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC POSITION	
<p>The microorganism identified under I above was accompanied by a document stating the following item(s).</p> <p><input checked="" type="checkbox"/> A Scientific Property <input checked="" type="checkbox"/> Taxonomic Position</p>	
III. RECEIPT AND ACCEPTANCE	
<p>This International Depositary Authority accepts the microorganism identified under I above, which was received on October 3, 2003 (date of the original deposit).</p>	
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